

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 LOUIS ANTHONY LAGOIS,

11 Plaintiff,

12 v.

13 NANCY A. BERRYHILL,

14 Defendant.

CASE NO. C17-310 MJP

ORDER ON MOTION FOR  
ATTORNEY'S FEES

15  
16 The above-entitled Court, having received and reviewed:

- 17 1. Plaintiff's Amended Motion for Attorney Fees and Expenses Under the Equal Access  
18 to Justice Act (Dkt. No. 30);  
19 2. Defendant's Response to Plaintiff's Motion for Attorney Fees (Dkt. No. 28)<sup>1</sup>;  
20 3. Plaintiff's Reply to Response to Motion for Attorney Fees (Dkt. No. 29);

21 all attached declarations and exhibits; and relevant portions of the record, rules as follows:  
22

23 \_\_\_\_\_  
24 <sup>1</sup> Defendant filed nothing in response to Plaintiff's Amended Motion for fees and expenses; the Court assumes that the Social Security Administration's position is thus adequately expressed in its original responsive brief.

1 IT IS ORDERED that the motion is PARTIALLY GRANTED and PARTIALLY  
2 DENIED. Plaintiff's attorney will be awarded fees at the statutory EAJA rate; the Court cannot  
3 find bad faith on the part of the Government and declines to order fees at the market rate  
4 permitted by the bad faith section of the EAJA.

5 The Court cannot find, on the record before it, that the Government's conduct in this case  
6 rises to the level of "vexatious, wanton or oppressive" required to support a finding of bad faith.  
7 Brown v. Sullivan, 916 F.2d 492, 495 (9th Cir. 1990). Accordingly, fees will be awarded at the  
8 statutory rate of \$196.79/hour (adjusted with cost of living increases) for the 47.7 hours claimed  
9 by Plaintiff's counsel. When Plaintiff's expenses of \$400.00 are included, the total award  
10 amounts to \$9,386.87; and

11 (1) That amount is awarded to Plaintiff, to be delivered to Plaintiff's counsel; however,

12 (2) The Acting Commissioner shall contact the Department of Treasury after this order is  
13 entered to determine if the EAJA award is subject to any offset. If the U.S.

14 Department of the Treasury verifies to the Office of General Counsel that Plaintiff  
15 does not owe a debt, the Government shall honor Plaintiff's assignment of EAJA  
16 award and pay the EAJA award directly to George Andre Fields, Plaintiff's attorney.

17 If there is an offset, any remainder shall be made payable Plaintiff, based on the

18 Department of the Treasury's Offset Program and standard practices, and the payment  
19 shall be electronically directed to Plaintiff's counsel, George Andre Fields, at P.O.

20 Box 231024, Sacramento, CA 95823.

1 The clerk is ordered to provide copies of this order to all counsel.

2 Dated: April 17, 2018.

3 

4 The Honorable Marsha J. Pechman  
5 United States Senior District Court Judge  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24